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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1969

No. 1092

RON PAUL, *Petitioner*

vs.

COLORADO STATE BOARD OF LAW EXAMINERS, *Respondent*

RON PAUL, *Pro Se*
1905 Pauline Blvd.
Ann Arbor, Michigan

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1969

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RON PAUL, *Petitioner*

vs.

COLORADO STATE BOARD OF LAW EXAMINERS, *Respondent*

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF COLORADO

Petitioner prays that a writ of certiorari issue to review the Order of the Supreme Court of the State of Colorado in the action entitled below: "In the Matter of the Petition of Ron Paul For Permission to Take The Colorado Bar Examination," said order being entered October 23, 1969.

CITATIONS TO ONINIONS BELOW

The Order of the Supreme Court of the State of Coloradio is printed in Appendix B, hereto, infra.

JURISDICTION

The Order of the Supreme Court of the State of Colorado (Colorado Court) was entered on October 23, 1969. The Jurisdiction of this Court is invoked under U.S.C. Section 1257 (3), since said Order effectively denies Petitioner a right or privilege guaranteed by the Constitution of the United States.

QUESTIONS PRESENTED

1. Whether a State may refuse to permit an applicant to qualify himself to practice law where there is no claim of moral laxity, bad character, or lack of legal proficiency.

2. Whether a State may impose qualifications upon an applicant to the Bar of that State which have no rational connection with his moral or legal qualifications to practice law.

3. Whether a member of the Bar of one State may be denied an opportunity to qualify himself for the practice of law in a sister State.

REGULATIONS INVOLVED

The Regulations involved are Colorado Supreme Court Rules 202 and 208, which are printed in Appendix A, infra.

STATEMENT

Petitioner is a graduate of the University of Connecticut, and attended the University of Michigan Law School, Ann Arbor, for approximately three semesters. Thereafter, he attended Portia Law School, Boston, Massachusetts, for the remaining three semesters, receiving a Bachelor of Laws Degree in June, 1964. In June, 1964, Petitioner took and passed the Massachusetts Bar Examination. In September, 1964, Petitioner took, and passed, the Michigan Bar Examination. He was admitted to the Michigan Bar in January, 1965, and has been a member in good standing since.

In June, 1968, Petitioner removed his family from Ann Arbor, Michigan, to Denver, Colorado, in anticipation of undertaking practice in Colorado. In December, 1968, Petitioner duly applied to Respondent, Colorado State Board of Law Examiners (Board) to take the Colorado Bar Examination. On January 3, 1969, Petitioner was notified by his attorney in Denver that he had been informed, by telephone, that the aforementioned application had been rejected.

On January 6, 1969, Petitioner's Attorney submitted a petition to the Colorado Court seeking permission to take the Examination. On January 13, 1969, Petitioner received a letter from the Secretary of Respondent Board that the Petition had been denied by the Court, en banc, January 9, without a hearing.

On June 5, 1969, Petitioner's Counsel submitted another petition to take the Bar Examination, with accompanying brief, which first raised the federal question (see "How Federal Question is Presented", infra). On June 24, 1969, Petitioner was informed by his attorney that the Petition had been denied without hearing, and that a written opinion would be forthcoming. Petitioner subse-

quently wrote to the Clerk of the Colorado Court requesting a copy of the opinion, but was notified on August 29, 1969, that there had been none entered; therefore, on October 9, 1969, Petitioner's Attorney filed another Petition asking for a Hearing and Argument on the Brief and Petition of June 5, 1969, or, in the alternative, a Written Opinion on the denial.

On October 23, 1969, the Court, en banc, issued an Order (Appendix B, infra), denying the request for oral argument and reaffirming its previous decisions to deny Petitioner's Application to take the Bar Examination. The Order stated as the basis for deniel that Petitioner had not completed a three-year course at an "Approved" Law School, as provided in Supreme Court Rule No. 208 (Appendix A).

Petitioner's family remains in Denver, Petitioner in practice in Ann Arbor, Michigan.

HOW FEDERAL QUESTION IS PRESENTED

In his Petition to the Colorado Court of June 5, 1969, Petitioner raised the issue of a denial of a right or privilege under the United States Constitution, generally, by pleading that refusing to permit him, a member of a foreign bar, to qualify himself for the practice of law in Colorado, absent a showing of his incompetence or moral laxity, would be arbitrary and a denial of his Constitutional rights. In the same petition, the issue was raised specifically, by pleading that after four years' practice in a sister State, the source of Petitioner's law degree had little, if any, rational connection with his fitness or capacity to practice law in Colorado, and refusal by Colorado to permit him to qualify himself would be a violation of Due Process as set forth in *Schware v. Board of Bar Examiners of New Mexico,* 353 U.S. 232.

The Court never ruled directly on either the Federal or State issues raised, but by its Order of October 23, 1969, it effectively rejected Petitioner's position on all, including the Federal, issues.

REASONS FOR GRANTING THE WRIT

1. The Order of the Supreme Court of the State of Colorado is directly in conflict with the decision of the United States Supreme Court in *Schware vs. Board of Bar Examiners of New Mexico,* 353 U.S. 232.

In the *Schware* case, Petitioner was denied admission to the Bar due to having been, many years earlier, a Communist Party member, having used an alias, and having a criminal record. Justice Black, writing for the Court, said:

A State can require high standards of qualifications, such as good moral character or proficiency in its law, before it admits an applicant to the Bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law. (cases cited).

Even in applying permissible standards, officers of a state cannot exclude an applicant when there is no basis for their finding that he fails to meet these standard.

Justice Frankfurter, in his concurring opinion, wrote:

Refusal to allow a man to qualify himself for the profession on a wholly arbitrary standard or on a consideration that offends the dictates of reason offends the Due Process Clause.

Whereas Schware was accused of certain questionable acts which the New Mexico authorities took as a reflection on his character, the present situation is even more clear-cut, as Petitioner is not accused of anything, save graduating from a particular Law School. He has shown his fitness and capacity to practice law, having passed the Bar Examinations of two states and being a member of the Bar of one, but there is no apparent rational connection between such capacity and the source of his law degree, some five years earlier. Respondent's refusal to allow Petitioner to qualify himself on such an "arbitrary standard" is a denial of Due Process.

2. The question presented is of importance because the effect of the Colorado Court is to directly contradict a decision by the United States Supreme Court, and it is plainly in the interest of an effective judiciary that such contradiction be resolved. Clearly, too, the question has larger public implications, because in this very fluid society, citizens should be able to remove themselves from one state to another with as few obstacles as possible. Members of the legal, or other professions, desiring to change their location, should not have to face arbitrary and whimsical barriers erected by State governments and agencies.

3. The Order below is believed to be erroneous because of conflict with *Schware,* op. cit., and probable conflicts with *Douglas v. Noble,* 261 U.S. 165, and *Nebbia v. New York,* 291 U.S. 502. Both cases held that the exercise of governmental regulation for the public welfare in the states is not unlimited, arbitrary or capricious, but that the means of regulation should have a substantial relation to the object sought, and conditions imposed on a license applicant should have some relation to his qualifications for the license sought.

CONCLUSION

For the foregoing reasons this petition for a writ of certiorari should be granted.

Respectfully submitted,

RON PAUL, *Pro Se*

Appendix A

Section 202.—Classification of Applicants

Applicants for admission to the Bar are hereby divided into three classes: A, B and C.

A. Those who have been admitted to the Bar of another state, territory or district, by the highest court therein having such power, for not less than twelve years, and have practiced ten years, comprise Class A.

B. Those who have been admitted by examination to the Bar of another state, territory or district, by the highest court therein having such power, and who at the time of their admission had attained qualifications at least equal to those then required for admission by examination in Colorado, and who have practiced five years out of the seven years immediately preceding application here, or have taught for such period in an approved or provisionally approved law school, or any combination of such practice and teaching for such period, or those who for a similar period have actively served as a full time commissioned officer in a legal branch of any of the United States Military Services per-

forming work if a legal or judicial nature as a primary duty assignment substantially equivalent to that performed in the civilian practice of law, or any combination of practice and such service, comprise Class B.

PROVIDED, that if the jurisdiction from which an applicant in Class A or B applies, imposes by any law, rule or regulation, limitations, restrictions or conditions upon the admission of members of the Bar of the State of Colorado seeking admission to the Bar of such jurisdiction, this Court may impose like restrictions, limitations or conditions upon any such applicant seeking admission to the Bar of this State.

The Supreme Court may waive the strict application of the rules of admission in Classes A and B when substantial compliance with the legal, moral and educational qualifications have been shown by an applicant.

C. All other applicants shall constitute Class C and shall be required to take a written examination.

Section 208.—Law Study

Every applicant in Class C shall have:

(1) Completed the three-year course of an approved day law school; or,

(2) Completed the four-year course of any approved night law school.

Appendix B

IN THE SUPREME COURT STATE OF COLORADO

In the Matter of the Petition of
RON PAUL
For Permission To Take The Colorado Bar Examination

ORDER

The petitioner, Ron Paul, on December 11, 1968, filed herein an application (Class C) for permission to take the February 1969 bar examination, which was denied by this Court en banc on January 9, 1969 for the reason that petitioner's application showed that he did not meet

the requirements of Rule 208 of *Rules Governing Admission to the Bar*, in that he had not completed the three-year course of an approved (American Bar Association) law school. Petitioner was notified of the action of the Court by letter dated January 10, 1969.

AFTERWARDS, *to wit,* June 25, 1969, the petitioner applied to take the July 1969 bar examination, which was denied for the same reason. Petitioner was notified by letter dated June 26, 1969, of the action of the Court.

AFTERWARDS, *to wit*, October 9, 1969, petitioner filed a a petition in which he requested oral argument on his petition or, in the alternative, that the Court "provide a written opinion or other record on this Honorable Court's previous denial of the Petition to Take the Colorado Bar Examination."

UPON CONSIDERATION THEREOF, the Court, sitting en banc, denies the request for oral argument and hereby reaffirms its previous orders denying the petitioner's application to take the Colorado Bar Examination.

BY THE COURT:

ROBERT H. McWILLIAMS

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Chief Justice